

during the application process for a hunting license on the department's Internet website.

(c) After deducting the department's administrative costs, the department shall hold in trust the remainder of the amount a person contributes under this section to the nonprofit organization. Not later than November 1 of each year, the department shall send the money held in trust to the nonprofit organization.

(d) Money received by the nonprofit organization under this section may be used only to administer, operate, support, and promote the program described by Subsection (a).

(e) The nonprofit organization shall submit an annual report to the legislature and the department that includes the total dollar amount of contributions received by the organization under this section.

(f) The commission may adopt rules to implement this section, including rules related to processes for the selection, inspection, and periodic review of the nonprofit organization.

SECTION 2. The commission shall designate a nonprofit organization to receive the donations under Section 42.011, Parks and Wildlife Code, as added by this Act, not later than September 15, 2015.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed the Senate on May 4, 2015: Yeas 31, Nays 0; passed the House on May 27, 2015: Yeas 140, Nays 4, two present not voting.

Approved June 19, 2015.

Effective June 19, 2015.

REGULATION OF CERTAIN MOTOR VEHICLE AUCTIONS

CHAPTER 1230

S.B. No. 1982

AN ACT

relating to the regulation of certain motor vehicle auctions.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1802.002(a), Occupations Code, is amended to read as follows:

(a) This chapter does not apply to:

(1) a sale conducted by order of a United States court under Title 11, United States Code;

(2) a sale conducted by an employee of the United States, this state, or a political subdivision of this state in the course and scope of employment;

(3) a sale conducted by a charitable, religious, or civic organization, including an organization having a tax exempt status under Section 501(c), Internal Revenue Code of 1986, or organized as a nonprofit entity, if the person organizing, arranging, or conducting the auction receives no compensation;

(4) a sale conducted by any person of the person's property if the person is not engaged in the business of selling property at auction on a recurring basis;

(5) a foreclosure sale of real property personally conducted by a trustee under a deed of trust;

(6) a foreclosure sale of personal property personally conducted by:

(A) a person who holds a security interest in the property, including a mortgage;

or

(B) an employee or agent of a person described by Paragraph (A) acting in the course and scope of employment, if:

- (i) the employee or agent is not otherwise engaged in the auction business; and
- (ii) all property for sale in the auction is subject to a security agreement;

(7) a sale conducted by sealed bid without the option of increasing or decreasing the amount of a bid;

(8) an auction conducted only for student training purposes as part of a course of study approved by the department;

(9) an auction conducted by a posted stockyard or market agency as defined by the federal Packers and Stockyards Act (7 U.S.C. Section 181 et seq.), as amended;

(10) an auction of livestock conducted by a nonprofit livestock trade association chartered in this state, if the auction involves only the sale of livestock owned by members of the trade association;

(11) an auction conducted by a charitable or nonprofit organization chartered in this state, if the auction:

(A) is part of a fair that is organized under state, county, or municipal authority; and

(B) involves only the sale of property owned by the organization's members; ~~or~~

(12) a sale or auction conducted outside of this state;

(13) *a sale of motor vehicles at auction by a person licensed under Chapter 2301 or 2302; or*

(14) *a sale of motor vehicles at auction by a person who holds a wholesale motor vehicle auction general distinguishing number or an independent motor vehicle general distinguishing number issued by the Texas Department of Motor Vehicles.*

SECTION 2. Section 1802.051, Occupations Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) *Except as provided by Subsection (d), an ~~An~~ individual who is licensed under this chapter may not act as an auctioneer for an entity unless the entity:*

(1) is an auction company owned or operated by an individual who is licensed under this chapter; *or*

(2) ~~[holds a dealer general distinguishing number issued under Subchapter B, Chapter 503, Transportation Code, and the auction is for the purpose of auctioning vehicles as defined by Section 503.001, Transportation Code; or~~

~~[(3)]~~ is a real estate brokerage firm that is operated by a broker licensed by the Texas Real Estate Commission.

(d) *An individual who is licensed under this chapter may conduct an auction to sell motor vehicles, as defined by Section 501.002 or 502.001, Transportation Code, if the individual conducts the auction for a person who holds a dealer general distinguishing number or wholesale motor vehicle auction general distinguishing number issued under Subchapter B, Chapter 503, Transportation Code, or a license issued under Subchapter C, Chapter 2302, of this code.*

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed the Senate on April 30, 2015: Yeas 31, Nays 0; passed the House on May 27, 2015: Yeas 144, Nays 0, two present not voting.

Approved June 19, 2015.

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